

JOINT DECLARATIONS OF ERIC SETALA AND LAUREEN FRANCE

Pursuant to 28 U.S.C. § 1746

I, Eric Setala, declare as follows:

1. I am employed as a paralegal at the Federal Trade Commission ("FTC") and assigned to the Northwest Regional Office. If called as a witness, I could and would testify to the following facts, of which I have personal knowledge.
2. As an FTC paralegal, I assist other FTC staff in a wide variety of organizational and research tasks related to the investigation of entities that may be violating laws the FTC enforces.

Website Recordings And Purchases

3. In June of 2011, I was instructed to visit and record the following websites: cellphonelookupus.com and cellphonenumberlookupus.com. I visited each of these websites on one or more occasions.
4. To preserve evidence of these online experiences, I used one of two methods. The first method involved utilizing the "Web Capture" feature of the Adobe Acrobat 9 Pro computer program. In this method, I typed in each website address and had Adobe Pro "capture," as a single file in PDF format, the various web page "levels" for that website address. The second method involved using two computer programs: one called "Camtasia" and the other called "Paint." The Camtasia computer program creates a video recording of any action that appears on the computer screen and saves that action to an original file. After saving each original recording, I used Paint to create still frames of each recording by pausing the original recording, clicking "PrtScn," and pasting the results into Paint. After each still shot was pasted into Paint, I printed it in PDF file format and saved it. Once all the PDF formatted files for the website recording were created, I used Adobe Pro to merge them all together and to number them sequentially.

- 1 5. On June 27, 2011, I made a Camtasia video recording of a name search lookup and
2 report purchase from cellphonelookupus.com. From this recording, I used Paint to
3 produce true and correct still frame screen shots. These sequential still shots are
4 attached to this declaration as **Attachment A**. (pp. 006-025). The still shots in
5 Attachment A have search and personally identifiable information redacted. A true
6 and correct, redacted copy of the complete video recording is available upon request.
7 During this recording, there was no mention of cost until the web page permitting
8 entry of credit card information. (Attachment A, p. 010). I used an FTC investigative
9 credit card to purchase this report ("First Purchase"). The report itself does not
10 appear in the screen shots because it was not immediately available for viewing.
- 11 6. On June 27, 2011, I made a subsequent Camtasia video recording, in order to contact
12 cellphonelookupus.com Livechat, to find out why the report was not available for
13 viewing. From this recording, I used Paint to produce still frame screen shots of the
14 Livechat transcript. The still shots containing the transcript are attached to this
15 declaration as **Attachment B**. (pp. 026-027). The still shots in Attachment B have
16 search and personally identifiable information redacted. A true and correct, redacted
17 copy of the complete video recording is available upon request.
- 18 7. On June 28, 2011, I made a Camtasia video recording of a cell phone lookup and
19 report purchase from cellphonenumberlookupus.com. From this recording, I used
20 Paint to produce true and correct still frame screen shots. These sequential still shots
21 are attached to this declaration as **Attachment C**. (pp. 028-043). The still shots in
22 Attachment C have search and personally identifiable information redacted. A true
23 and correct, redacted copy of the complete video recording is on the disc labeled
24 **Attachment G** to this declaration. During this recording, there was no mention of
25 cost except for a screen that flashed up prior to viewing the report. This screen asked
26 "Why Does it Cost \$1.00 For My Report and 5 Day Trial?" over a prominent red
27 "button" to click on labeled as "SHOW ME THE REPORT." (Attachment C, p. 033).
28

No other mention of cost was made on that page. I used another FTC investigative credit card to purchase this report ("Second Purchase").

8. On July 1, 2011, I logged into the account I created as a result of my June 27, 2011, cellphonelookupus.com report purchase. After viewing the report, I initiated a Customer Service Livechat to cancel the program and verify that no further charges would be made to the credit card associated with the First Purchase. The Livechat customer service agent said I had signed up for a membership and that "Upon completion of [the] trial, [my] monthly membership [would] provide me with 5 additional searches each month at only \$18.95 per month." The agent further told me that it was not possible for me to immediately and fully cancel the membership at that time. The agent informed me that I needed to wait and log back in after 48 hours and follow the instructions to "complete" my cancellation. Attached to this declaration as **Attachment D** is a true and correct copy of the Livechat transcript with the cellphonelookupus.com Livechat site operator. (pp. 044-045).

Website Cancellations

9. On July 5, 2011, I logged into the account that I created as a result of my cellphonelookupus.com purchase on June 27, 2011, so that I could cancel the membership. Upon login, the instructions stated that I needed to call 866.437.1702 to complete cancellation. I could not cancel online via the website.

Additional Website Recording

10. On July 14, 2011, I made a Camtasia video recording of a name search lookup from publicrecords1.com. From this recording, I used Paint to produce true and correct still frame screen shots. These sequential still shots are attached to this declaration as **Attachment E**. (pp. 046-084). A true and correct copy of the complete video recording is on the disc labeled **Attachment G** to this declaration. Upon entering information for the name search, there was no mention of cost except for a screen that flashed up prior to viewing the report. This screen asked "Why Does it Cost \$1.00 [sic]" over a prominent red "button" to click on labeled as "SHOW ME THE

REPORT.” (Attachment E, p. 054). No other mention of cost was made on that page.

11. Upon reaching the web page permitting entry of credit card information, I returned to the home page of publicrecords1.com and subsequently navigated systematically through the links on the bottom of the screen. True and correct copies of the various web pages for publicrecords1.com, including Frequently Asked Questions, Customer Service, Register, Resources, Privacy, Terms, and Legal, are included in Attachment E.

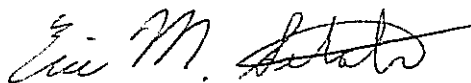
Website Links To Defendants

12. In his declaration, FTC law clerk Burton Eggertsen states that websites cellphonelookupus.com and publicrecords1.com are owned by Mobile Web Media and its affiliated companies. See Declaration of Burton Eggertsen (“Eggertsen Declaration,” ¶¶ 26, 32). Mr. Eggertsen also indicates that the privacy statement of cellphonenumberlookupus.com did not specifically list Mobile Web Media as the website owner.
13. As previously indicated in Paragraphs 5 and 7 of this declaration, I made report purchases from cellphonelookupus.com and cellphonenumberlookupus.com using two different FTC investigative credit cards. My colleague, Senior Investigator Laureen France, provided me with copies of the online statements related to the charges for both of these purchases. I noted that the merchant processing descriptors on both statements are identical. True and correct copies of the statements are attached to this declaration as **Attachment F**. (pp. 085-086). The statements in Attachment F have personally identifiable information redacted.

I certify under penalty of perjury that the foregoing is true and correct. Executed on:

Date:

7/22/2011



Eric Setala

1 I, Laureen France, declare as follows:

2 14. I am a senior investigator assigned to the Northwest Regional Office of the Federal Trade
3 Commission ("FTC"). If called as a witness, I would testify to the following facts, of
4 which I have personal knowledge.

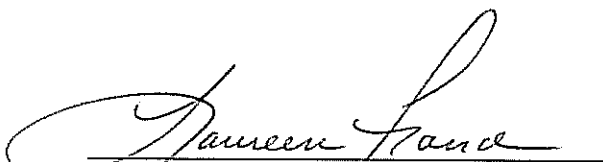
5 15. As an FTC investigator, I research and/or investigate entities that may be violating laws
6 that the FTC enforces.

7 16. On July 12, 2011, I called 866.437.1702 to cancel the First Purchase that was made on
8 June 27, 2011, by my colleague, Eric Setala. I spoke to a customer service representative
9 who called herself "Shantra," though I am not certain of the spelling of the name. I
10 explained that I wanted to cancel. Shantra asked me for my zip code, my email address,
11 and my name, which I provided. She said that once the account was cancelled, I would
12 lose access to the account and past searches, and she asked me if I still wanted to cancel.
13 I said that I did want to cancel. She then said she had cancelled the account and no
14 future charges would be applied. She gave me the cancellation number and we ended the
15 call.

16 17. On July 12, 2011, I called 866.417.6793 to cancel the Second Purchase that was made on
17 June 28, 2011, by my colleague, Eric Setala. I spoke to a customer service representative
18 named Richard. I explained that I wanted to cancel my subscription. Richard asked for
19 my zip code, name, and email address. Richard advised me that once I cancelled the
20 account, I would lose the account and past searches. He asked me if I still wanted to
21 cancel the account and I said that I did. He said that he had cancelled the account and
22 that no further charges would be applied. He gave me a cancellation number and we
23 ended the call.

24 I certify under penalty of perjury that the foregoing is true and correct. Executed on:

25
26
27 Date: 7/22/2011


28 Laureen France